

Debate Pack

21 March 2023

Number CDP-0070 (2023)

By Neil Johnston,
Tomas Robertson,
Paul Little

Ballot Secrecy Bill (HL)

1	Background	2
2	Press articles	3
3	Parliamentary Material	4
4	Further Reading	5

1

Background

The [Ballot Secrecy Bill](#) is a private member's Bill that started in the House of Lords, sponsored by Lord Hayward. It completed its Lords stages [on 30 November 2022](#).

Paul Bristow MP is the sponsor for the Bill in the House of Commons and it was given a second reading on [9 December 2022](#) without substantive debate. The Bill is scheduled for its remaining stages in the Commons on [24 March 2023](#).

The Bill has government support. [Explanatory notes](#) (PDF) to the Bill for its Commons stages were prepared by the Department for Levelling Up, Housing and Communities.

At [second reading](#) in the Lords the Labour Party supported the Bill and noted that the provisions should not prevent disabled voters getting assistance they need in polling stations.

What does the bill do?

The Bill aims to address the concerns of 'family voting' in polling stations. This is where a voter is accompanied by another person into or near polling booths with the intention of influencing their vote.

Electoral law already has provisions designed to safeguard voters from undue influence when casting their vote and the process of voting in secret has been in place since the Ballot Act 1872.

The Bill will introduce a specific new offence for individuals who accompany a voter to a polling booth or position themselves nearby with the intention of influencing a voter.

The offence will not apply to a companion of a disabled voter who has made the required written declaration to allow them to assist a disabled voter nor to a child of a voter accompanying them to the polling station.

The [explanatory notes](#) (PDF) to the Bill say this will "support presiding officers to challenge such behaviour in polling stations, and assist in the prosecution of cases where necessary".

Which elections will it apply to?

The new offence will apply to voting in polling stations at UK parliamentary elections, Northern Ireland Assembly elections, England local elections and Northern Ireland local elections.

It will not apply to devolved elections for the Scottish and Welsh Parliaments nor to local elections in Scotland and Wales.

Why is it an issue?

In 2016, the Government published a report by Lord Pickles (then Sir Eric Pickles) [Securing the ballot: review into electoral fraud](#). At the time he was the Government's Anti-Corruption Champion.

He highlighted the concern of family voting and recommended "Guidance and training should be strengthened to ensure that staff in polling stations enforce the rule that people go to the booth individually."

The government supported the recommendation in [its response to the report](#) (PDF) and said it would work with the Electoral Commission to ensure that clearer guidance is provided for future polls

The Electoral Commission supported the proposal [in its response](#) (PDF) to the Pickles report and its [guidance for polling station staff](#) (PDF) for 2023 local elections in England clearly states:

Make sure voters go to polling booths individually so that their right to a secret vote is protected. No other person is allowed to accompany a voter to a polling booth unless a voter who is disabled or unable to read has requested assistance to vote

However, Democracy Volunteers, an impartial group that observes and reports on UK elections suggest family voting continues to be an issue. Its volunteer observers are accredited by the Electoral Commission. Democracy Volunteers [report on the local elections](#) in 2022 reported that volunteers witnessed family voting in a quarter of polling stations visited, "Our observers saw family voting across all parts of the UK, and it was not limited to any one ethnic group or another."

2

Press articles

[New questions over voting and 'intimidating' crowds in Tower Hamlets election](#)

Evening Standard | 20 May 2022

Tower Hamlets mayor Lutfur Rahman was at the centre of a fresh voting row on Friday after a report highlighted "significant challenges to the electoral process" during his resounding victory in borough elections.

Mr Rahman was elected as mayor on May 5, seven years after he was ousted from office and barred for five years having been found guilty by a special electoral court of corrupt and illegal practices during the 2014 elections.

[The practice of 'family voting' must be stamped out](#)

Daily Telegraph | 31 August 2022

Greg Clark, the Levelling Up Secretary, has a Cabinet post with an absurd title, but he is absolutely right to call for a crackdown on any practice of “family voting”; that is, the practice of husbands being allowed to instruct their wives in the voting booth. He called it “an insult to the hard-fought liberty of female suffrage.”

The practice is especially widespread in the London Borough of Tower Hamlets, with women from Asian backgrounds being particularly affected. It is part of a wider problem – that of modern slavery. Before I stood down from Parliament earlier this year, I was a member of a group of members of both Houses of Parliament looking into this issue.

[Election observers report high level of 'family voting'](#)

The Times | 17 May 2020

International election observers who oversaw voting in February’s general election have reported relatively high levels of “family voting” at polling stations, with more than one voter entering the booth at the same time.

While the practice is prohibited, the observers identified “family voting” in 7.4% of cases.

A report by Democracy Volunteers, a non-profit group that was given permission by the Department of Housing to observe, concluded that while the general election was “free and fair”, an independent electoral commission was needed to standardise the voting process and oversee the electoral register.

In relation to family voting, the observers said they witnessed several disagreements between returning officers and voters who committed this offence.

3

Parliamentary Material

Debates

Ballot Secrecy Bill [HL] – Commons Stages

- [7 March 2023 | Committee Debate](#)
- [9 Dec 2022 | Second Reading | 724 c971](#)

Ballot Secrecy Bill [HL] – Lords Stages

- [30 Nov 2022 | Third Reading | 825 c1783-1784](#)
- [23 Nov 2022 | Report Stage | 825 c1376](#)
- [18 Nov 2022 | Committee Stage | 825 cc1153-1160](#)
- [15 Jul 2022 | Second Reading | 823 cc1707-1716](#)
- [26 May 2022 | First Reading | 822 c955](#)

4 Further Reading

Committee Reports

[Delegated Powers and Regulatory Reform Committee](#)

6th Report of the Delegated Powers and Regulatory Reform Committee

House of Lords Library briefing

[Ballot Secrecy Bill \[HL\]: HL Bill 15 of 2022–23](#)

Websites

[UK Parliament: Parliamentary Bills: Ballot Secrecy Bill \[HL\]](#)

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing '[Legal help: where to go and how to pay](#)' for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Sources and subscriptions for MPs and staff

We try to use sources in our research that everyone can access, but sometimes only information that exists behind a paywall or via a subscription is available. We provide access to many online subscriptions to MPs and parliamentary staff, please contact hoclibraryonline@parliament.uk or visit commonslibrary.parliament.uk/resources for more information.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.


You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)